

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 7, 2000

APPLICATION OF

DIGITAL BROADBAND

COMMUNICATIONS OF VIRGINIA, L.L.C.

CASE NO. PUC000160

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

FINAL ORDER

On July 27, 2000, Digital Broadband Communications of Virginia, L.L.C. ("DBC-VA" or "Applicant"), completed an application for certificates of public convenience and necessity with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. DBC-VA also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

By Order dated September 6, 2000, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a Staff Report, and scheduled a public hearing to receive evidence relevant to DBC-VA's application.

On November 2, 2000, the Staff filed its Report finding that DBC-VA's application was in compliance with the Rules

Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers ("IXC Rules").

Based upon its review of DBC-VA's application, the Staff determined it would be appropriate to grant the Applicant certificates to provide local exchange and interexchange telecommunications services subject to the following conditions: (1) any customer deposits collected by DBC-VA shall be retained in an unaffiliated third-party escrow account until such time as the Staff or Commission determines it is no longer necessary; and (2) at such time as voice services are initiated by DBC-VA, DBC-VA shall provide/comply with all requirements of § C (Conditions for Certification) of the Local Rules.

A hearing was conducted on November 21, 2000. DBC-VA filed proof of publication and proof of service as required by the September 6, 2000, Order. At the hearing, the application and accompanying attachments and the Staff Report were entered into the record without objection.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that DBC-VA should be granted certificates to provide local exchange and interexchange telecommunications services subject to certain conditions. Having considered § 56-481.1, the Commission further finds that

DBC-VA may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) Digital Broadband Communications of Virginia, L.L.C., is hereby granted a certificate of public convenience and necessity, No. TT-119A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) Digital Broadband Communications of Virginia, L.L.C., is hereby granted a certificate of public convenience and necessity, No. T-523, to provide local exchange telecommunications services subject to the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Should DBC-VA collect customer deposits, it shall establish and maintain an escrow account, held by an unaffiliated third party, to hold such funds and shall notify the Division of Economics and Finance of the escrow arrangement. Any escrow arrangement established pursuant to this Order shall be maintained for such time as the Staff or Commission determines is necessary.

(4) DBC-VA shall provide tariffs to the Division of Communications which conform with all applicable Commission rules and regulations.

(5) Once voice services are initiated by DBC-VA, it shall provide/comply with all requirements of § C (Conditions for Certification) of the Local Rules.

(6) Pursuant to § 56-481.1 of the Code of Virginia, DBC-VA may price its interexchange telecommunications services competitively.

(7) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.